

**FOR IMMEDIATE RELEASE**



5 Hanover Square, 24th Floor  
New York, NY 10004  
Tel 917-637-3800  
Fax 917-637-3900

**CONTACT**

Kasia Reterska  
Press Relations Officer  
TEL +1 646 696 4268  
E-MAIL [kreterska@ictj.org](mailto:kreterska@ictj.org)

Miranda Sissons  
Deputy Director, Middle East and North Africa  
TEL +1 646 515 3712  
E-MAIL [msissons@ictj.org](mailto:msissons@ictj.org)

**Iraq Tribunal Issues Verdict in Anfal Case**

*Tribunal's Flaws Persist in Historic Trial for Iraqi Kurds*

**BAHRAIN, June 24, 2007**—The verdict issued today by the Iraqi High Tribunal (IHT) in the Anfal case was a historic moment for Iraqi victims, said the International Center for Transitional Justice (ICTJ). The tribunal found five defendants guilty of charges of genocide, crimes against humanity, and war crimes. Charges against a sixth defendant were dropped. Although the Anfal trial proceeded more smoothly than the Dujail trial, it still appeared to fall short of international fair trial standards, particularly in failing to ensure the right to an adequate defense.

Anfal was the second case heard by the Tribunal, and was more factually and legally complex than the Dujail case. The case focused on a series of coordinated attacks in 1988-1989 by Iraqi forces targeting the Kurdish population in northern Iraq, in which up to an estimated 180,000 Kurds were displaced, imprisoned, or killed. Proceedings began on August 21, 2006, with seven accused standing trial, including Ali Hassan al-Majid, former secretary of the Ba'ath Party's Northern Bureau (nicknamed 'Chemical Ali'), and former president Saddam Hussein. Hussein was dropped from the case after his hasty execution on December 30, 2006.

All defendants were charged with war crimes, genocide, and crimes against humanity. Witnesses for the prosecution gave harrowing evidence on the impact of the Anfal campaign on the Kurds. The trial also relied on extensive documentation produced by the Ba'athist regime. Particularly significant were the forensic evidence and allegations on the use of chemical weapons. Less than 10 witnesses were heard for the defense, and the court repeatedly refused motions to facilitate any testimonies of defense witnesses that were not provided live.

"The Anfal trial was in some ways better managed than Dujail, but it still had very significant problems," said Miranda Sissons, head of the ICTJ's Iraq program and one of its trial monitors. "These included impossibly vague charges, political interference in judicial assignments, and a failure to fully facilitate defense witness testimony. We'll be studying the judgment carefully to see whether the judges took due account of these challenges."

Although the Anfal trial showed some improvements over the Dujail trial, it also suffered from similar flaws. The case was dogged by political interference, gaps in the evidence, and a number of breaches of fair trial standards. For instance, it suffered an immediate setback when the presiding judge, Abdallah al-Amiri, was replaced at the request of the Prime Minister's Office after making controversial comments three weeks into proceedings. As in Dujail, the Trial Chamber issued charges so broad and vague as to violate defendants' rights to be adequately informed of the charges against them. Furthermore, the Trial Chamber's refusal to facilitate defense witnesses through video link or similar arrangements may have violated defendants' rights to an adequate defense.

Today's verdicts were delivered in a 75 minute session that contained little indication of the trial chamber's reasoning. According to ICTJ's on the ground observer:

- Charges against Tahir Tawfiq were dropped for lack evidence, as per an earlier prosecution request;

- Farhan Mutlak al Jaburi was sentenced to life imprisonment for genocide, and to life imprisonment and ten years imprisonment for wilful killing and deportation or forcible transfer as crimes against humanity.
- Sabr al-Douri was sentenced to three terms of life imprisonment for genocide, wilful killing as a crime against humanity, and intentionally directing attacks against the civilian population as a war crime. He was also sentenced to ten years' imprisonment for the destruction or seizing of the property of an adversary as a war crime;
- Sultan Hashem was given four sentences of death by hanging for genocide, wilful killing and extermination as crimes against humanity, and intentionally directing attacks against civilians as a war crime. Hashem was also sentenced to two terms of life imprisonment for forced disappearances and other inhumane acts as crimes against humanity, as well as four other prison terms for deportation as a crime against humanity and three counts of war crimes;
- Hussein Rashid was sentenced to death by hanging for genocide, wilful killing as a crime against humanity, and intentional attacks against the civilian population as a war crime. Rashid also received a term of seven years' imprisonment for attacks against buildings dedicated to religious purposes
- Ali Hassan al-Majid was given five sentences of death by hanging for genocide as well as wilful killing, forced disappearances, and extermination as crimes against humanity, and intentionally directing attacks against a civilian population as a war crime. He was sentenced to multiple prison terms ranging from seven years to life for other inhumane acts as a crime against humanity and other crimes.

The ICTJ opposes the application of the death penalty in all cases as a form of cruel, inhuman and degrading punishment.

Individuals sentenced to more than one penalty will serve only the most severe. The court dropped a number of charges against each individual as a result of lack of evidence. The court also confiscated each defendant's movable and immovable property.

After reading the verdicts and sentences for all defendants, the trial chamber noted that complainants had the right to take a compensation case to the civil courts. The chamber also referred a list of 223 names of individuals to be investigated in relation to the Anfal campaign to the Tribunal's investigation department.

The volume of media and other coverage of the Anfal trial fell to almost zero immediately after Saddam Hussein's execution, although interest continued to be high among Iraqi Kurds. "After Hussein's execution, the Anfal case took place entirely outside of the international limelight," said Sissons. "Outsiders' lack of interest in Anfal sent a message that they were interested only in Saddam's execution and not in pursuing accountability for horrific crimes. An important opportunity to pressure the Tribunal to raise its standards was lost."

The ICTJ monitored the Anfal trial regularly from Baghdad. The Center will analyze the judgment in greater detail when it becomes available and will then issue a substantive analysis.

### **Background on the Trial**

The Supreme Iraqi Criminal Tribunal was created by order of the Coalition Provisional Authority (CPA) in 2003 and incorporated into domestic Iraqi law on October 18, 2005. The Tribunal has jurisdiction over Iraqis and Iraqi residents who are alleged to have committed genocide, crimes against humanity, and war crimes between July 17, 1968 and May 1, 2003. It also has jurisdiction over violations of some Iraqi laws, such as interference in the affairs of the judiciary or the wasting of national resources.

The Tribunal's staff is entirely Iraqi, though its statute permits it to appoint international advisers. The Regime Crimes Liaison Office (RCLO), based out of the U.S. Embassy in Baghdad, supports the Tribunal's investigative and logistical needs.

The Anfal trial was heard by five judges of the second trial chamber. Charges of crimes against humanity, war crimes, and genocide were brought against the following seven defendants:

- Sabr Abdul-Aziz al-Douri: Former General Director of Iraq's Military Intelligence Service;
- Farhan Mutlak Al-Jaburi: Former Director of the Military Intelligence Service of the northern region;
- Sultan Hashem Ahmed al-Ta'i: Former Commander of Corps I of the Iraqi Army, in charge of the northern sector during the Anfal campaign, who later became Minister of Defense;
- Ali Hassan al-Majid Al-Tikriti: Alleged architect of the Anfal campaign, and cousin of Saddam Hussein. Secretary-General of the Ba'ath Party's northern bureau from March 1987 to April 1989, with authority over all state agencies in the Kurdish region during this period;
- Hussein Rashid Al-Tikriti: Former Deputy for Operational Affairs to the Chief of Staff of the Iraqi Army during the Anfal campaign;
- Tahir Tawfiq Al-'Aani: Former Governor of Mosul, Ba'ath Party official, and assistant to Ali Hassan al-Majid (the prosecutor requested that charges against al-'Aani be dropped for lack of evidence); and
- Saddam Hussein al-Majid Al-Tikriti: President of Iraq from 1979 until 2003. All charges against Hussein were dropped after his execution on December 30, 2006.

The June 24 judgment is not the final step in the Anfal trial. The case will go to cassation, a type of appeal. The appeal may be made on the grounds of errors of law, procedure, and facts. In cases where a sentence of death or life imprisonment is given, under the Iraqi Code of Criminal Procedure, the appeal process occurs automatically and the file is passed to the Cassation Chamber within 10 days of the judgment. Otherwise, individuals can lodge appeals within 30 days. The Cassation Chamber may reverse, revise, or affirm the original judgment of the Trial Chamber, and its judgment is final. Under the Tribunal Statute, sentences must be carried out within 30 days of the final judgment, subject to ratification by the Iraqi President.

### **About the ICTJ**

The International Center for Transitional Justice (ICTJ) assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved.

In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider a variety of transitional justice approaches including both judicial and nonjudicial responses to human rights crimes. The ICTJ assists in the development of integrated, comprehensive, and localized approaches to transitional justice comprising five key elements: prosecuting perpetrators, documenting and acknowledging violations through non-judicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and facilitating reconciliation processes.

The Center is committed to building local capacity and generally strengthening the emerging field of transitional justice, and works closely with organizations and experts around the world to do so. By working in the field through local languages, the ICTJ provides comparative information, legal and policy analysis, documentation, and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments and others.

To find out more about the Center's work around the world, please visit our website at [www.ictj.org](http://www.ictj.org).